

AMENDED IN SENATE APRIL 12, 2004

SENATE BILL

No. 1546

Introduced by Senator Figueroa

February 19, 2004

An act to amend Sections 1601.1, 1616.5, ~~and 1742 of 1742, 1767, and 1775 of~~, to amend and repeal Sections 1753.5, 1754, 1756, 1757, and 1760 of, to amend, repeal, and add Sections 1741, 1750, 1751, 1752, 1753, 1765, and 1770 of, and to add Sections 1750.1, 1750.2, 1753.1, 1776, and 1777 to, the Business and Professions Code, relating to dentistry, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1546, as amended, Figueroa. Dentistry.

Existing law, the Dental Practice Act, provides for the licensure and regulation of the practice of dentistry by the Dental Board of California, and authorizes the board to appoint a person exempt from civil service as an executive officer. Existing law also establishes the Committee on Dental Auxiliaries within the jurisdiction of the board. The provisions establishing the board, authorizing the board to appoint an executive officer, and establishing the committee are repealed as of January 1, 2006.

This bill would change these dates to unspecified dates.

Existing law requires the board to license persons meeting specified requirements as dental assistants and dental assistants in extended functions, and requires the board to enact certain regulations with respect to those licensees. Existing law also describes the functions that those licensees are permitted to perform and imposes specified requirements on them. Existing law prohibits a dentist from utilizing more than 2 dental auxiliaries in extended functions.

This bill would, on January 1, 2007, revise the requirements imposed on, and the functions that may be performed by, a dental assistant or a dental assistant in extended functions. The bill would make a supervising licensed dentist responsible for assuring that a dental assistant meets certain competency and educational requirements. The bill would also, on and after January 1, 2007, require the board to license a person who meets specified requirements as a registered dental assistant, registered orthodontic assistant, registered surgery assistant, registered restorative assistant, registered dental assistant in extended functions, or registered restorative assistant in extended functions.

This bill would require the board to adopt regulations regarding education and training requirements that those licensees and registered dental hygienists are required to meet and procedures they may perform. The bill would also require the board to report periodically to the Joint Legislative Sunset Review Committee regarding the regulations imposed on licensees. The bill would authorize a dentist to utilize up to 3 dental auxiliaries in extended functions. The bill would also make other related changes.

Because this bill would increase the licensing fees deposited into the State Dental Auxiliary Fund, a continuously appropriated fund, it would make an appropriation.

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1601.1 of the Business and Professions
2 Code is amended to read:
3 1601.1. (a) There shall be in the Department of Consumer
4 Affairs the Dental Board of California in which the administration
5 of this chapter is vested. The board shall consist of eight practicing
6 dentists, one registered dental hygienist, one registered dental
7 assistant, and four public members. Of the eight practicing
8 dentists, one shall be a member of a faculty of any California dental
9 college and one shall be a dentist practicing in a nonprofit
10 community clinic. The appointing powers, described in Section
11 1603, may appoint to the board a person who was a member of the
12 prior board. The board shall be organized into standing
13 committees dealing with examinations, enforcement, and other
14 subjects as the board deems appropriate.



(b) For purposes of this chapter, any reference in this chapter to the Board of Dental Examiners shall be deemed to refer to the Dental Board of California.

(c) The board shall have all authority previously vested in the existing board under this chapter. The board may enforce all disciplinary actions undertaken by the previous board.

(d) This section shall become inoperative on July 1, _____, and, as of January 1, _____, is repealed, unless a later enacted statute that is enacted before January 1, _____, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473).

SEC. 2. Section 1616.5 of the Business and Professions Code is amended to read:

1616.5. (a) The board, by and with the approval of the director, may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter.

(b) This section shall become inoperative on July 1, _____, and, as of January 1, _____, is repealed, unless a later enacted statute that is enacted before January 1, _____, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 3. *Section 1741 of the Business and Professions Code is amended to read:*

1741. As used in this article:

(a) “Board” means the Dental Board of California.

(b) “Committee” means the Committee on Dental Auxiliaries.

(c) “Direct supervision” means supervision of dental procedures based on instructions given by a licensed dentist, who must be physically present in the treatment facility during the performance of those procedures.

(d) “General supervision” means supervision of dental procedures based on instructions given by a licensed dentist but not requiring the physical presence of the supervising dentist during the performance of those procedures.

(e) “Dental auxiliary” means a person who may perform dental assisting or dental hygiene procedures authorized by this article. Dental auxiliary also means a registered dental hygienist in alternative practice, who may provide authorized services by

1 prescription provided by a dentist or physician and surgeon
2 licensed to practice in this state. “Dental auxiliary” includes all of
3 the following:

4 (1) A dental assistant pursuant to Section 1750.

5 (2) A registered dental assistant pursuant to Section 1753.

6 (3) A registered dental assistant in extended functions pursuant
7 to Section 1756.

8 (4) A registered dental hygienist pursuant to Section 1766.

9 (5) A registered dental hygienist in extended functions
10 pursuant to Section 1768.

11 (6) A registered dental hygienist in alternative practice
12 pursuant to Section 1774.

13 (f) *This section shall become inoperative on December 31,*
14 *2006, and, as of January 1, 2007, is repealed, unless a later*
15 *enacted statute, that is enacted before January 1, 2007, deletes or*
16 *extends the dates on which it becomes inoperative and is repealed.*

17 SEC. 4. Section 1741 is added to the Business and Professions
18 Code, to read:

19 1741. As used in this article the following terms have the
20 following meanings:

21 (a) “Board” means the Dental Board of California.

22 (b) “Committee” means the Committee on Dental Auxiliaries.

23 (c) “Direct supervision” means supervision of dental
24 procedures based on instructions given by a licensed dentist, who
25 must be physically present in the treatment facility during the
26 performance of those procedures.

27 (d) “General supervision” means supervision of dental
28 procedures based on instructions given by a licensed dentist but
29 not requiring the physical presence of the supervising dentist
30 during the performance of those procedures.

31 (e) “Dental auxiliary” means a person who may perform
32 dental assisting or dental hygiene procedures authorized by this
33 article. Dental auxiliary also means a registered dental hygienist
34 in alternative practice, who may provide authorized services by
35 prescription provided by a dentist or physician and surgeon
36 licensed to practice in this state. “Dental auxiliary” includes all
37 of the following:

38 (1) A dental assistant pursuant to Section 1750.

1 (2) *A registered orthodontic assistant, a registered surgery*
2 *assistant, a registered restorative assistant, or a registered dental*
3 *assistant pursuant to Section 1750.2.*

4 (3) *A registered restorative dental assistant in extended*
5 *functions pursuant to Section 1752.*

6 (4) *A registered dental assistant in extended functions pursuant*
7 *to Section 1752.*

8 (5) *A registered dental hygienist pursuant to Section 1766.*

9 (6) *A registered dental hygienist in extended functions pursuant*
10 *to Section 1768.*

11 (7) *A registered dental hygienist in alternative practice*
12 *pursuant to Section 1774.*

13 (f) *This section shall become operative on January 1, 2007.*

14 SEC. 5. Section 1742 of the Business and Professions Code is
15 amended to read:

16 1742. (a) There is within the jurisdiction of the board a
17 Committee on Dental Auxiliaries.

18 (b) The Committee on Dental Auxiliaries shall have the
19 following areas of responsibility and duties:

20 (1) The committee shall have the following duties and
21 authority related to education programs and curriculum:

22 (A) Shall evaluate all dental auxiliary programs applying for
23 board approval in accordance with board rules governing the
24 programs.

25 (B) May appoint board members to any evaluation committee.
26 Board members so appointed shall not make a final decision on the
27 issue of program or course approval.

28 (C) Shall report and make recommendations to the board as to
29 whether a program or course qualifies for approval. The board
30 retains the final authority to grant or deny approval to a program
31 or course.

32 (D) Shall review and document any alleged deficiencies that
33 might warrant board action to withdraw or revoke approval of a
34 program or course, at the request of the board.

35 (E) May review and document any alleged deficiencies that
36 might warrant board action to withdraw or revoke approval of a
37 program or course, at its own initiation.

38 (2) The committee shall have the following duties and
39 authority related to applications:

1 (A) Shall review and evaluate all applications for licensure in
2 the various dental auxiliary categories to ascertain whether a
3 candidate meets the appropriate licensing requirements specified
4 by statute and board regulations.

5 (B) Shall maintain application records, cashier application
6 fees, and perform any other ministerial tasks as are incidental to
7 the application process.

8 (C) May delegate any or all of the functions in this paragraph
9 to its staff.

10 (D) Shall issue auxiliary licenses in all cases, except where
11 there is a question as to a licensing requirement. The board retains
12 final authority to interpret any licensing requirement. If a question
13 arises in the area of interpreting any licensing requirement, it shall
14 be presented by the committee to the board for resolution.

15 (3) The committee shall have the following duties and
16 authority regarding examinations:

17 (A) Shall advise the board as to the type of license examination
18 it deems appropriate for the various dental auxiliary license
19 categories.

20 (B) Shall, at the direction of the board, develop or cause to be
21 developed, administer, or both, examinations in accordance with
22 the board's instructions and periodically report to the board on the
23 progress of those examinations. The following shall apply to the
24 examination procedure:

25 (i) The examination shall be submitted to the board for its
26 approval prior to its initial administration.

27 (ii) Once an examination has been approved by the board, no
28 further approval is required unless a major modification is made
29 to the examination.

30 (iii) The committee shall report to the board on the results of
31 each examination and shall, where appropriate, recommend pass
32 points.

33 (iv) The board shall set pass points for all dental auxiliary
34 licensing examinations.

35 (C) May appoint board members to any examination
36 committee established pursuant to subparagraph (B).

37 (4) The committee shall periodically report and make
38 recommendations to the board concerning the level of fees for
39 dental auxiliaries and the need for any legislative fee increase.
40 However, the board retains final authority to set all fees.

(5) The committee shall be responsible for all aspects of the license renewal process, which shall be accomplished in accordance with this chapter and board regulations. The committee may delegate any or all of its functions under this paragraph to its staff.

(6) The committee shall have no authority with respect to the approval of continuing education providers; the board retains all of this authority.

(7) The committee shall advise the board as to appropriate standards of conduct for auxiliaries, the proper ordering of enforcement priorities, and any other enforcement-related matters that the board may, in the future, delegate to the committee. The board shall retain all authority with respect to the enforcement actions, including, but not limited to, complaint resolution, investigation, and disciplinary action against auxiliaries.

(8) The committee shall have the following duties regarding regulations:

(A) To review and evaluate all suggestions or requests for regulatory changes related to dental auxiliaries.

(B) To report and make recommendations to the board, after consultation with departmental legal counsel and the board's executive officer.

(C) To include in any report regarding a proposed regulatory change, at a minimum, the specific language of the proposed changes and the reasons for and facts supporting the need for the change. The board has the final rulemaking authority.

(c) This section shall become inoperative on July 1, _____, and, as of January 1, _____, is repealed, unless a later enacted statute which becomes effective on or before January 1, _____, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section renders the committee subject to the review required by Division 1.2 (commencing with Section 473).

SEC. 6. Section 1750 of the Business and Professions Code is amended to read:

1750. (a) A dental assistant is a person who may perform basic supportive dental procedures as authorized by this article under the supervision of a licensed dentist and who may perform basic supportive procedures as authorized pursuant to subdivision (b) of Section 1751 under the supervision of a registered dental hygienist in alternative practice.

1 (b) This section shall become inoperative on December 31,
2 2006, and, as of January 1, 2007, is repealed, unless a later
3 enacted statute, that is enacted before January 1, 2007, deletes or
4 extends the dates on which it becomes inoperative and is repealed.

5 SEC. 7. Section 1750 is added to the Business and Professions
6 Code, to read:

7 1750. (a) A dental assistant is an individual who, without a
8 license, may perform basic supportive dental procedures, as
9 authorized by this article and the board pursuant to this article,
10 under the supervision of a licensed dentist. "Basic supportive
11 dental procedures" are those procedures that have technically
12 elementary characteristics, are completely reversible, and are
13 unlikely to precipitate potentially hazardous conditions for the
14 patient being treated. These basic supportive dental procedures
15 may be performed under general supervision. These basic
16 supportive dental procedures do not include those procedures
17 authorized in Section 1750.2 or Section 1753.2, or by the board
18 pursuant to Section 1751.

19 (b) The supervising licensed dentist shall be responsible for
20 determining the competency of the dental assistant to perform
21 authorized and approved basic supportive dental procedures.

22 (c) The supervising licensed dentist shall be responsible for
23 assuring that each dental assistant, registered orthodontic
24 assistant, registered surgery assistant, registered restorative
25 dental assistant, registered dental assistant, and registered dental
26 assistant in extended functions, who is in his or her continuous
27 employ for 120 days or more, has completed the following courses:

28 (1) A course in patient protection, consisting of infection
29 control procedures and other relevant California law that is
30 approved by the board.

31 (2) A basic life support course offered by the American Red
32 Cross, the American Heart Association, or any other course
33 approved by the board as equivalent.

34 (3) Prior to operating radiographic equipment or applying for
35 registration as a registered dental assistant under Section 1750.2,
36 a radiation safety course approved by the board.

37 (d) This section shall become operative on January 1, 2007.

38 SEC. 8. Section 1750.1 is added to the Business and
39 Professions Code, to read:

1 1750.1. (a) *The practice of dental assisting does not include*
2 *any of the following procedures:*

3 (1) *Diagnosis and comprehensive treatment planning.*

4 (2) *Placing, finishing, or removing permanent restorations,*
5 *except as provided in Section 1753.2.*

6 (3) *Surgery or cutting on hard and soft tissue including, but not*
7 *limited to, the removal of teeth and the cutting and suturing of soft*
8 *tissue.*

9 (4) *Prescribing medication.*

10 (5) *Starting or adjusting local or general anesthesia or oral or*
11 *parenteral conscious sedation, except for the administration of*
12 *nitrous oxide and oxygen, whether administered alone or in*
13 *combination with each other and except as otherwise provided in*
14 *this article.*

15 (b) *This section shall become operative on January 1, 2007.*

16 SEC. 9. *Section 1750.2 is added to the Business and*
17 *Professions Code, to read:*

18 1750.2. (a) *The board shall license as a “registered*
19 *orthodontic assistant,” “registered surgery assistant,”*
20 *“registered restorative assistant,” or “registered dental assistant”*
21 *any person who submits written evidence of satisfactory*
22 *completion of a course or courses approved by the board pursuant*
23 *to subdivision (c) that qualifies him or her in one of those specialty*
24 *areas of practice, as described in this section.*

25 (b) *The board shall adopt regulations for the approval of*
26 *licensing program curricula and training in the specialty and*
27 *registered dental assisting areas specified in this section.*

28 (c) *The board shall define the minimum education and training*
29 *requirements necessary to achieve proficiency in the procedures*
30 *appropriate to each specialty module listed in subdivision (a),*
31 *taking into account the combinations of classroom and practical*
32 *instruction, clinical training, and supervised work experience that*
33 *are most likely to provide the greatest number of opportunities for*
34 *improving dental assisting skills efficiently.*

35 (d) *A registered orthodontic assistant may perform all of the*
36 *following dental procedures, consistent with regulations adopted*
37 *pursuant to Section 1751:*

38 (1) *Any duties that a dental assistant may perform.*

39 (2) *Placing and removing orthodontic separators.*

40 (3) *Placing and removing ligatures and arch wires.*

- 1 (4) *Taking orthodontic impressions.*
- 2 (5) *Sizing, fitting, adjusting, prepositioning, curing in a*
- 3 *position approved by the supervising dentist, and removal of*
- 4 *orthodontic bands and brackets.*
- 5 (6) *Coronal polishing.*
- 6 (7) *Removing excess cement from supragingival surfaces of*
- 7 *teeth.*
- 8 (8) *Preparing teeth for bonding.*
- 9 (9) *Activating bleaching agents with nonlaser, light-curing*
- 10 *devices.*
- 11 (e) *A registered surgery assistant may perform the following*
- 12 *dental procedures, consistent with regulations adopted pursuant*
- 13 *to Section 1751:*
- 14 (1) *Any duties that a dental assistant may perform.*
- 15 (2) *Monitoring of patients during the preoperative,*
- 16 *intraoperative, and postoperative phases, using noninvasive*
- 17 *instrumentation such as pulse oximeters, electrocardiograms, and*
- 18 *capnography.*
- 19 (3) *Taking impressions for surgical splints and occlusal guards.*
- 20 (4) *Placement and removal of surgical dressings and removal*
- 21 *of sutures.*
- 22 (5) *Adding medications to intravenous lines, in the presence of*
- 23 *a licensed dentist.*
- 24 (6) *Removal of intravenous lines.*
- 25 (f) *A registered restorative assistant may perform all of the*
- 26 *following dental procedures, consistent with regulations adopted*
- 27 *pursuant to Section 1751:*
- 28 (1) *Sizing, fitting, adjusting, intraorally fabricating,*
- 29 *temporarily cementing, and removing temporary crowns.*
- 30 (2) *Placing bases and liners on sound dentin.*
- 31 (3) *Removing excess cement from supragingival surfaces of*
- 32 *teeth.*
- 33 (4) *Taking facebow transfers and bite registrations for*
- 34 *diagnostic models for case study only.*
- 35 (5) *Taking impressions for space-maintaining appliances and*
- 36 *occlusal guards.*
- 37 (6) *Coronal polishing.*
- 38 (7) *Applying pit and fissure sealants.*
- 39 (8) *Placing and removing temporary restorations.*



1 (9) Activating bleaching agents with nonlaser, light-curing
2 devices.

3 (g) A registered dental assistant may perform all duties and
4 procedures that a dental assistant, a registered orthodontic
5 assistant, a registered surgery assistant, and a registered
6 restorative assistant may perform, consistent with regulations
7 adopted pursuant to Section 1751.

8 (h) The supervising dentist shall be responsible for determining
9 the level of supervision required for assistants registered pursuant
10 to this section.

11 (i) A person who holds a license as a registered orthodontic
12 assistant, registered surgery assistant, or registered restorative
13 assistant shall be subject to continuing education requirements
14 established by the board pursuant to Section 1645 and the renewal
15 requirements of Article 6 (commencing with Section 1715).

16 (j) A person who holds a license as a registered orthodontic
17 assistant, a registered surgery assistant, and a registered
18 restorative assistant, and who satisfies applicable continuing
19 education requirements established by the board pursuant to
20 Section 1645, is qualified to apply for, and shall be licensed as, a
21 registered dental assistant. A person holding a license as a
22 registered dental assistant shall be subject to the renewal
23 requirements of Article 6 (commencing with Section 1715).

24 (k) This section shall become operative on January 1, 2007.

25 SEC. 10. Section 1751 of the Business and Professions Code
26 is amended to read:

27 1751. (a) By September 15, 1993, the board, upon
28 recommendation of the committee, consistent with this article,
29 standards of good dental practice, and the health and welfare of
30 patients, shall adopt regulations relating to the functions that may
31 be performed by dental assistants under direct or general
32 supervision, and the settings within which dental assistants may
33 work. At least once every seven years thereafter, the board shall
34 review the list of functions performable by dental assistants, the
35 supervision level, and settings under which they may be
36 performed, and shall update the regulations as needed to keep them
37 current with the state of the practice.

38 (b) Under the supervision of a registered dental hygienist in
39 alternative practice, a dental assistant may perform intraoral
40 retraction and suctioning.

1 (c) *This section shall become inoperative on December 31,*
2 *2006, and, as of January 1, 2007, is repealed, unless a later*
3 *enacted statute, that is enacted before January 1, 2007, deletes or*
4 *extends the dates on which it becomes inoperative and is repealed.*

5 SEC. 11. *Section 1751 is added to the Business and*
6 *Professions Code, to read:*

7 1751. (a) *The board shall adopt regulations governing the*
8 *procedures that dental assistants, registered orthodontic*
9 *assistants, registered surgery assistants, registered restorative*
10 *assistants, registered dental assistants, registered restorative*
11 *assistants in extended functions, and registered dental assistants*
12 *in extended functions are authorized to perform consistent with the*
13 *provisions of this article, and the settings within which each may*
14 *practice.*

15 (b) *The board shall conduct an initial review of the procedures,*
16 *supervision level, settings under which they may be performed,*
17 *and utilization of extended functions dental auxiliaries by January*
18 *1, 2011. The board shall submit the results of its review to the Joint*
19 *Legislative Sunset Review Committee. After the initial review, a*
20 *review shall be conducted at least once every five years thereafter*
21 *and the board shall update regulations as necessary to keep them*
22 *current with the state of dental practice.*

23 (c) *This section shall become operative on January 1, 2007.*

24 SEC. 12. *Section 1752 of the Business and Professions Code*
25 *is amended to read:*

26 1752. (a) *The supervising licensed dentist shall be*
27 *responsible for determining the competency of the dental assistant*
28 *to perform allowable functions.*

29 (b) *This section shall become inoperative on December 31,*
30 *2006, and, as of January 1, 2007, is repealed, unless a later*
31 *enacted statute, that is enacted before January 1, 2007, deletes or*
32 *extends the dates on which it becomes inoperative and is repealed.*

33 SEC. 13. *Section 1752 is added to the Business and*
34 *Professions Code, to read:*

35 1752. (a) *A “registered dental assistant in extended*
36 *functions” is an individual licensed pursuant to this article who*
37 *may perform all dental procedures authorized by Section 1750 and*
38 *subdivision (g) of Section 1750.2, and by the board pursuant to*
39 *Section 1753.1, and who may provide basic restorative services*
40 *and direct patient care under the supervision of a licensed dentist.*

(b) A “registered restorative assistant in extended functions” is an individual licensed pursuant to this article who may perform all dental procedures authorized by Section 1750, subdivision (f) of Section 1750.2, and by the board pursuant to this article, and who may provide basic restorative services, as authorized by Section 1753.1 and by the board pursuant to this article, under the supervision of a licensed dentist.

(c) This section shall become operative on January 1, 2007.

SEC. 14. Section 1753 of the Business and Professions Code is amended to read:

1753. (a) The board shall license as a registered dental assistant a person who submits written evidence, satisfactory to the board, of either one of the following requirements:

~~(a)~~

(1) Graduation from an educational program in dental assisting approved by the board, and satisfactory performance on a written examination required by the board. On and after January 1, 1984, every an applicant seeking licensure as a registered dental assistant pursuant to this subdivision shall provide evidence of his or her satisfactory performance on a written and practical examination required by the board.

~~(b)~~

(2) Satisfactory work experience of more than 12 months as a dental assistant in California or another state and satisfactory performance on a written and practical examination required by the board. The board shall give credit toward the 12 months work experience referred to in this subdivision to persons who have graduated from a dental assisting program in a postsecondary institution approved by the Department of Education or in a secondary institution, regional occupational center, or regional occupational program, that are not, however, approved by the board pursuant to subdivision (a). The credit shall equal the total weeks spent in classroom training and internship on a week-for-week basis not to exceed 16 weeks. The board, in cooperation with the Superintendent of Public Instruction, shall establish the minimum criteria for the curriculum of nonboard-approved programs. Additionally, the board shall notify those programs only if the program’s curriculum does not meet established minimum criteria, as established for board-approved registered dental assistant programs, except any requirement that

1 the program be given in a postsecondary institution. Graduates of
2 programs not meeting established minimum criteria shall not
3 qualify for satisfactory work experience as defined by this section.

4 *(b) This section shall become inoperative on December 31,*
5 *2006, and, as of January 1, 2007, is repealed, unless a later*
6 *enacted statute, that is enacted before January 1, 2007, deletes or*
7 *extends the dates on which it becomes inoperative and is repealed.*

8 SEC. 15. Section 1753 is added to the Business and
9 Professions Code, to read:

10 1753. (a) The board shall license as a registered dental
11 assistant in extended functions a person who submits written
12 evidence, satisfactory to the board, of either of the following:

13 (1) That he or she has completed all of the following
14 requirements:

15 (A) Has graduated from an educational program in dental
16 assisting approved by the board that provides training in registered
17 dental assisting and all of the procedures specified in Section
18 1750.2.

19 (B) Has successfully completed a postsecondary program
20 approved by the board in all of the procedures specified in Section
21 1753.1 that includes didactic, laboratory, and clinical modalities.

22 (C) Has achieved satisfactory performance on a written
23 examination and a clinical or practical examination required by
24 the board.

25 (2) That he or she meets all of the following requirements:

26 (A) Has satisfactory work experience of more than eight
27 months as a dental assistant in California or another state, as
28 required by the board.

29 (B) Has graduated from an educational program in dental
30 assisting approved by the board that provides training in registered
31 dental assisting and all of the procedures specified in Section
32 1750.2.

33 (C) Has successfully completed board-approved courses in
34 radiation safety, infection control, California dental law, and a
35 basic life support course approved by the board.

36 (D) Has successfully completed a postsecondary program
37 approved by the board in all of the procedures specified in Section
38 1753.1 that includes didactic, laboratory, and clinical modalities.

1 (E) Has achieved satisfactory performance on a written
2 examination and a clinical or practical examination required by
3 the board.

4 (b) The board shall license as a registered restorative assistant
5 in extended functions a person who submits written evidence,
6 satisfactory to the board, of all of the following:

7 (A) Satisfactory work experience of more than 12 months as a
8 dental assistant in California or another state, as required by the
9 board.

10 (B) Successful completion of board-approved courses in
11 radiation safety, infection control, California dental law, and a
12 basic life support course approved by the board.

13 (C) Successful completion of a postsecondary program
14 approved by the board for restorative dental assisting specialty
15 registration specified in subdivision (f) of Section 1750.2.

16 (D) Successful completion a postsecondary program approved
17 by the board in all of the procedures specified in Section 1753.1
18 that includes didactic, laboratory, and clinical modalities.

19 (E) Satisfactory performance on a written examination and a
20 clinical or practical examination required by the board.

21 (c) In approving the educational and postsecondary programs
22 required to be completed for licensure pursuant to this section, the
23 board shall require that those programs offered are taught by
24 persons having prior experience teaching the applicable
25 procedures specified in Section 1753.1, or otherwise authorized by
26 the board pursuant to Section 1751, in a dental school approved
27 either by the Commission on Dental Accreditation or a
28 comparable organization approved by the board.

29 (d) This section shall become operative on January 1, 2007.

30 SEC. 16. Section 1753.1 is added to the Business and
31 Professions Code, to read:

32 1753.1. (a) A registered dental assistant in extended
33 functions is authorized to perform, at a minimum, the following
34 procedures under direct supervision and pursuant to the order,
35 control, and full professional responsibility of a licensed dentist:

36 (1) Cord retraction of gingivae for impression procedures.

37 (2) Taking impressions for cast restorations.

38 (3) Formulating indirect patterns for endodontic post and core
39 castings.

40 (4) Fitting trial endodontic filling points.

1 (5) *Drying canals previously opened by the supervising dentist,*
2 *with absorbent points.*

3 (6) *Testing pulp vitality.*

4 (7) *Removing excess cement from subgingival tooth surfaces*
5 *with a hand instrument.*

6 (8) *Fitting and cementing stainless steel crowns.*

7 (9) *Placing, condensing, and carving amalgam restorations.*

8 (10) *Placing class I, III, and V composite restorations.*

9 (11) *Taking facebow transfers and bite registrations for fixed*
10 *prostheses.*

11 (12) *Taking final impressions for tooth-borne, removable*
12 *prostheses.*

13 (13) *Placing and adjusting permanent crowns for cementation*
14 *by the dentist.*

15 (14) *Applying etchants for bonding restorative materials.*

16 (15) *Other procedures that require direct supervision for which*
17 *the board has adopted and published standards of proficiency*
18 *pursuant to Section 1751.*

19 (b) *All procedures required to be performed under direct*
20 *supervision shall be checked and approved by the supervising*
21 *dentist prior to the patient's dismissal from the office.*

22 (c) *This section shall become operative on January 1, 2007.*

23 SEC. 17. *Section 1753.5 of the Business and Professions Code*
24 *is amended to read:*

25 1753.5. (a) *In addition to the requirements of Section 1753,*
26 *~~each~~ an applicant for registered dental assistant licensure on or*
27 *after July 1, 2002, shall provide evidence of having successfully*
28 *completed board-approved courses in radiation safety and coronal*
29 *polishing as a condition of licensure. The length and content of the*
30 *courses shall be governed by applicable board regulations.*

31 (b) *This section shall become inoperative on December 31,*
32 *2006, and, as of January 1, 2007, is repealed, unless a later*
33 *enacted statute, that is enacted before January 1, 2007, deletes or*
34 *extends the dates on which it becomes inoperative and is repealed.*

35 SEC. 18. *Section 1754 of the Business and Professions Code*
36 *is amended to read:*

37 1754. (a) *By September 15, 1993, the board, upon*
38 *recommendation of the committee and consistent with this article,*
39 *standards of good dental practice, and the health and welfare of*
40 *patients, shall adopt regulations relating to the functions which*

may be performed by registered dental assistants under direct or general supervision, and the settings within which registered dental assistants may work. At least once every seven years thereafter, the board shall review the list of functions performable by registered dental assistants, the supervision level, and settings under which they may be performed, and shall update the regulations as needed to keep them current with the state of the practice.

(b) This section shall become inoperative on December 31, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute, that is enacted before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 19. Section 1756 of the Business and Professions Code is amended to read:

1756. (a) The board shall license as a registered dental assistant in extended functions a person who satisfies all of the following requirements:

~~(a)~~

(1) Status as a registered dental assistant.

~~(b)~~

(2) Completion of clinical training approved by the board in a facility affiliated with a dental school under the direct supervision of the dental school faculty.

~~(c)~~

(3) Satisfactory performance on an examination required by the board.

(b) This section shall become inoperative on December 31, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute, that is enacted before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 20. Section 1757 of the Business and Professions Code is amended to read:

1757. (a) Within one year of the date this article takes effect, the board, upon recommendation of the committee, consistent with standards of good dental practice and the health and welfare of patients, shall prescribe by regulation the functions ~~which~~ that may be performed by registered dental assistants in extended functions, whether ~~such~~ the functions require direct or general supervision, and the settings within which registered dental assistants in extended functions may work.

1 **(b)** *This section shall become inoperative on December 31,*
2 *2006, and, as of January 1, 2007, is repealed, unless a later*
3 *enacted statute, that is enacted before January 1, 2007, deletes or*
4 *extends the dates on which it becomes inoperative and is repealed.*

5 **SEC. 21.** *Section 1760 of the Business and Professions Code*
6 *is amended to read:*

7 1760. (a) The following functions may be performed by a
8 registered dental hygienist in addition to those authorized pursuant
9 to Sections 1760.5, 1761, 1762, 1763, and 1764:

10 ~~(a)~~

11 (1) All functions that may be performed by a dental assistant or
12 a registered dental assistant.

13 ~~(b)~~

14 (2) All persons holding a license as a registered dental hygienist
15 on January 1, 2003, or issued a license on or before December 31,
16 2005, are authorized to perform the duties of a registered dental
17 assistant specified in Section 1754. All persons issued a license as
18 a registered dental hygienist on and after January 1, 2006, shall
19 qualify for and receive a registered dental assistant license prior to
20 performance of the duties specified in Section 1754.

21 **(b)** *This section shall become inoperative on December 31,*
22 *2006, and, as of January 1, 2007, is repealed, unless a later*
23 *enacted statute, that is enacted before January 1, 2006, deletes or*
24 *extends the dates on which it becomes inoperative and is repealed.*

25 **SEC. 22.** *Section 1765 of the Business and Professions Code*
26 *is amended to read:*

27 1765. No person other than a licensed dental hygienist or a
28 licensed dentist may engage in the practice of dental hygiene or
29 perform dental hygiene procedures on patients, including, but not
30 limited to, supragingival and subgingival scaling, dental hygiene
31 assessment, and treatment planning, except for the following
32 persons:

33 (a) A student enrolled in a dental or a dental hygiene school
34 who is performing procedures as part of the regular curriculum of
35 that program under the supervision of the faculty of that program.

36 **(b)** ~~A~~ *Except as provided in Section 1776, a dental assistant*
37 *acting in accordance with, and under the level of supervision*
38 *required by, the rules of the board in performing the following*
39 *procedures:*

40 (1) Applying nonaerosol and noncaustic topical agents.

1 (2) Applying topical fluoride.

2 (3) Taking impression for bleaching trays.

3 (c) ~~A~~ Except as provided in Section 1776, a registered dental
4 assistant acting in accordance with, and under the level of
5 supervision required by, the rules of the board in performing the
6 following procedures:

7 (1) Polishing the coronal surfaces of teeth.

8 (2) Applying bleaching agents.

9 (3) Activating bleaching agents with a nonlaser, light-curing
10 device.

11 (d) ~~A~~ Except as provided in Section 1776, a registered dental
12 assistant in extended functions acting in accordance with, and
13 under the level of supervision required by, the rules of the board in
14 applying pit and fissure sealants.

15 (e) A registered dental hygienist licensed in another
16 jurisdiction performing a clinical demonstration for educational
17 purposes.

18 (f) This section shall become inoperative on December 31,
19 2006, and, as of January 1, 2007, is repealed, unless a later
20 enacted statute that is enacted before January 1, 2007, deletes or
21 extends the dates on which it becomes inoperative and is repealed.

22 SEC. 23. Section 1765 is added to the Business and
23 Professions Code, to read:

24 1765. (a) No person other than a licensed dental hygienist or
25 a licensed dentist may engage in the practice of dental hygiene or
26 perform dental hygiene procedures on patients, including, but not
27 limited to, supragingival and subgingival scaling, dental hygiene
28 assessment, and treatment planning, except for the following
29 persons:

30 (1) A student enrolled in a dental or a dental hygiene school
31 who is performing procedures as part of the regular curriculum of
32 that program under the supervision of the faculty of that program.

33 (2) A dental assistant, registered orthodontic assistant,
34 registered surgery assistant, registered restorative assistant,
35 registered dental assistant, registered restorative assistant in
36 extended functions, or registered dental assistant in extended
37 function acting within his or her scope of practice as authorized
38 in this article and pursuant to regulations adopted by the board
39 pursuant to Section 1751.

1 (3) A registered dental hygienist licensed in another
2 jurisdiction performing a clinical demonstration for educational
3 purposes.

4 (b) This section shall become operative on January 1, 2007.

5 SEC. 24. Section 1767 of the Business and Professions Code
6 is amended to read:

7 1767. The board, ~~upon recommendation of the committee,~~
8 shall adopt regulations ~~necessary to implement the provisions of~~
9 ~~this article~~ governing the procedures that dental hygienists are
10 authorized to perform under direct or general supervision, and the
11 settings within which dental hygienists may practice. At least once
12 every five years thereafter, the board shall review procedures that
13 may be performed by dental hygienists, the supervision level, and
14 the settings under which they may be performed, and shall update
15 the regulations as necessary to keep them current with the state of
16 dental practice.

17 SEC. 25. Section 1770 of the Business and Professions Code
18 is amended to read:

19 1770. (a) A licensed dentist may simultaneously utilize in his
20 or her practice no more than two dental auxiliaries in extended
21 functions licensed pursuant to Sections 1756 and 1768.

22 (b) This section shall become inoperative on December 31,
23 2006, and, as of January 1, 2007, is repealed, unless a later
24 enacted statute, that is enacted before January 1, 2007, deletes or
25 extends the dates on which it becomes inoperative and is repealed.

26 SEC. 26. Section 1770 is added to the Business and
27 Professions Code, to read:

28 1770. (a) A licensed dentist may simultaneously utilize in his
29 or her practice no more than three dental auxiliaries in extended
30 functions licensed pursuant to Sections 1753 and 1768.

31 (b) This section shall become operative on January 1, 2007.

32 SEC. 27. Section 1775 of the Business and Professions Code
33 is amended to read:

34 1775. (a) A registered dental hygienist in alternative practice
35 may perform those preventive and therapeutic functions described
36 ~~in subdivision (a) of Section 1760, subdivision (a) of Section~~
37 ~~1760.5, and subdivisions (a) and (b) of Section 1762~~ as an
38 employee of a dentist or of another registered dental hygienist in
39 alternative practice, or as an independent contractor, or as a sole
40 proprietor of an alternative dental hygiene practice, or as an

1 employee of a primary care clinic or specialty clinic that is licensed
2 pursuant to Section 1204 of the Health and Safety Code or as an
3 employee of a primary care clinic exempt from licensure pursuant
4 to subdivision (c) of Section 1206 of the Health and Safety Code,
5 or as an employee of a clinic owned or operated by a public
6 hospital or health system, or as an employee of a clinic owned and
7 operated by a hospital that maintains the primary contract with a
8 county government to fill the county's role under Section 17000
9 of the Welfare and Institutions Code.

10 (b) A registered dental hygienist in alternative practice may
11 perform ~~the dental hygiene services specified in subdivision (a)~~
12 *those preventative and therapeutic functions described in*
13 *subdivisions (a) and (b) of Section 1762* in the following settings:

14 (1) Residences of the homebound.

15 (2) Schools.

16 (3) Residential facilities and other institutions.

17 (4) Dental health professional shortage areas, as certified by the
18 Office of Statewide Health Planning and Development in
19 accordance with existing office guidelines.

20 (c) A registered dental hygienist in alternative practice shall not
21 do any of the following:

22 (1) Infer, purport, advertise, or imply that he or she is in any
23 way able to provide dental services or make any type of dental
24 health diagnosis beyond ~~those services specified in subdivision (a)~~
25 *evaluating a patient's dental hygiene status, providing a dental*
26 *hygiene treatment plan, and providing the associated dental*
27 *hygiene services, including those preventative and therapeutic*
28 *functions described in subdivisions (a) and (b) of Section 1762.*

29 (2) Hire a registered dental hygienist to provide direct patient
30 services other than a registered dental hygienist in alternative
31 practice.

32 (d) A registered dental hygienist in alternative practice may
33 submit or allow to be submitted any insurance or third-party claims
34 for patient services performed as authorized pursuant to this
35 article.

36 (e) A registered dental hygienist in alternative practice may
37 hire other registered dental hygienists in alternative practice to
38 assist in his or her practice.

1 (f) A registered dental hygienist in alternative practice may hire
2 and supervise dental assistants performing functions specified in
3 subdivision (b) of Section 1751.

4 (g) A registered dental hygienist in alternative practice shall
5 provide to the board documentation of an existing relationship
6 with at least one dentist for referral, consultation, and emergency
7 services.

8 (h) A registered dental hygienist in alternative practice may
9 perform dental hygiene services for a patient who presents to the
10 registered hygienist in alternative practice a written prescription
11 for dental hygiene services issued by a dentist or physician and
12 surgeon licensed to practice in this state who has performed a
13 physical examination and a diagnosis of the patient prior to the
14 prescription being provided. The prescription shall be valid for a
15 time period based on the dentist's or physician and surgeon's
16 professional judgment, but not to exceed 15 months from the date
17 that it was issued.

18 *SEC. 28. Section 1776 is added to the Business and*
19 *Professions Code, to read:*

20 *1776. (a) A person licensed as a registered dental assistant or*
21 *a registered dental assistant in extended functions on or before*
22 *December 31, 2006, may elect to remain licensed and to continue*
23 *to perform those functions authorized by the board pursuant to*
24 *subdivision (g) of Section 1750.2 and Section 1753.2 and imposed*
25 *on registered dental assistants and registered dental assistant in*
26 *extended functions through December 31, 2006.*

27 *(b) The board shall renew the license of any person described*
28 *in subdivision (a) on the same terms and conditions of issuance*
29 *upon application, payment of fees, and satisfactory evidence of*
30 *completion of any continuing education required by Sections*
31 *1645, 1645.1, or any other requirement for renewal imposed by*
32 *law on or after January 1, 2005.*

33 *SEC. 29. Section 1777 is added to the Business and*
34 *Professions Code, to read:*

35 *1777. While employed by or practicing in a primary care*
36 *clinic or specialty clinic licensed pursuant to Section 1204 of the*
37 *Health and Safety Code, in a primary care clinic exempt from*
38 *licensure pursuant to subdivision (c) of Section 1206 of the Health*
39 *and Safety Code, or a clinic owned and operated by a hospital that*
40 *maintains the primary contract with a county government to fill the*

1 *county's role under Section 17000 of the Welfare and Institutions*
2 *Code, a registered dental assistant or a registered dental assistant*
3 *in extended functions may perform the following procedures under*
4 *the direct supervision of a registered dental hygienist, after*
5 *examination and diagnosis by a licensed dentist:*

- 6 (a) *Coronal polishing.*
- 7 (b) *Application of topical fluoride.*
- 8 (c) *Application of sealants.*

